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OFFICE OF PETITIONS

In re Application of :
Antonijs Paul Leo Maria Winters :
Application No. 09/299,109 :
Filed: April 26, 1999 : DECISION ON PETITION
Attorney Docket No. 10522.1 :

This is a decision on the petition under 37 CFR §1.137(b), June 30, 2006, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$1400.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed November 20, 2002. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on February 21, 2003. A Notice of Abandonment was mailed on March 28, 2003.


The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The issue fee was received on April 20, 2006.

Form PTOL-85B, filed June 30, 2006, is noted and made of record.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions